IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 15701 of 2005

For Approval and Signature:

HONOURABLE MS. JUSTICE R.M.DOSHIT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ROHINI N BHATT - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

MR RAJESH P MANKAD for Petitioner(s) : 1,
MS PB SHETH, AGP for Respondent(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MS. JUSTICE R.M.DOSHIT

Date : 11/10/2005

ORAL JUDGMENT

RULE returnable today. Learned AGP Ms.Sheth waives service of rule. With the consent of the learned advocates the petition is heard and disposed of today.

The petitioner, an Assistant Librarian in M.P.Shah Medical College, Jamnagar, challenges the order dated 14th

July, 2005. By impugned order the petitioner's pay-scale has been reduced with effect from 1st June, 1987. It is the grievance of the petitioner that the impugned order has been made in violation of principles of natural justice. Learned AGP Ms.Sheth has submitted that the petitioner had been given a scale higher than what she was entitled to. The same has, therefore, been withdrawn. She, however, concedes that the petitioner had not been offered the opportunity to show-cause or of hearing.

Admittedly, the impugned order has been made in violation of principles of natural justice. The impugned order dated 14th July, 2005 is, therefore, quashed and set-aside. The petition is accordingly allowed. Rule is made absolute. The parties shall bear their own cost.

It is clarified that in the event the petitioner has been placed in the wrong pay-scale and the same is required to be rectified no action shall be taken against the petitioner without affording an opportunity to her to show-cause against the intended action.

(Ms. R.M.Doshit, J.)

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